

AGENDA BILL APPROVAL FORM

Agenda Subject: Ordinance No. 6259 related to Ordinance No. 6183 and File No. CPA04-0003 - Special Area Plan Adoption File No. CPA04-0002 - Comprehensive Plan Text and Map Amendments File No. ZOA04-0004 - Zoning Code Text and Map Amendments		Date: August 11, 2009
Department: Planning, Building & Community Department	Attachments: Ordinance No. 6259, Ordinance No. 6183 (without exhibits) and Ordinance No. 6219	Budget Impact:

Administrative Recommendation:
 City Council to introduce and adopt Ordinance No. 6259.

Background Summary:

On June 16, 2008, the City Council passed its Ordinance No. 6183 which provided, among other things, zoning changes and special area plan adoption for an area in the northern part of the city – subject of the proposed development agreement by the Robertson Property Group Project (Auburn Gateway). That special zoning provision was set, by the terms of Ordinance No. 6183, to expire after 180 days. The expiration would have occurred on December 13, 2008. The Robertson Property Group Project has not moved forward as quickly as was anticipated, and therefore, to avoid the consequences of the expiration of that special zoning, it is appropriate to consider extending the timetable in which that zoning and special area plan shall be effective. On December 1, 2008 the City Council adopted Ordinance No. 6219 which extended the timeframe for implementation of the zoning and comprehensive plan changes for 6 months to August 31, 2009.

This proposed ordinance, if approved, would extend the time of the zoning and comprehensive plan changes provided by Ordinance No. 6183 to August 31, 2010; an additional year. This additional extension is appropriate in light of the City's current floodplain moratorium in effect due to the National Marine Fisheries Service (NMFS) and Federal Emergency Management Agency (FEMA) biological opinion that determined development in the 100-year floodplain results in adverse impacts to endangered species. A portion of the project site is within the 100-year floodplain.

L0817-2 ORD 6259

O3.4.1.25

Reviewed by Council & Committees: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input type="checkbox"/> Planning Comm. </div> <div> COUNCIL COMMITTEES: <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Municipal Serv. <input type="checkbox"/> Planning & CD <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other _____ </div> </div>	Reviewed by Departments & Divisions: <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Fire <input type="checkbox"/> Legal <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Information Services </div> <div> <input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources </div> </div>
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Action:

Committee Approval: ☐ Yes ☐ No

Council Approval: ☐ Yes ☐ No Call for Public Hearing ____/____/____

Referred to _____ Until ____/____/____

Tabled _____ Until ____/____/____

Councilmember: Wagner	Staff: Baker
Meeting Date: August 17, 2009	Item Number: VIII.A.5

ORDINANCE NO. 6 2 5 9

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING ORDINANCE NO. 6219 TO EXTEND THE EFFECTIVE DATE

WHEREAS, on June 16, 2008, the City Council passed Ordinance No. 6183, which amended the City's Comprehensive Plan, zoning maps, and included the adoption of a sub-area plan related to the Auburn Gateway Project; and

WHEREAS, on December 1, 2008, the City Council passed Ordinance No. 6219, extending the effective date of Ordinance No. 6183 until August 31, 2009; and

WHEREAS, the City and the Project proponents are still negotiating the Development Agreement required by the Ordinance; and

WHEREAS, staff recommends extending this deadline by 12 months;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Section 1 of Ordinance No. 6219, amending Section 13 of Ordinance No. 6183 is amended to read as follows:

Section 13. Effective Date. This Ordinance shall take effect and be in force five days from and after its passage, approval, and publication as provided by law; provided, that this ordinance shall not take effect unless the City and RPG executed a development agreement for the Auburn Gateway Project by ~~August 31, 2009~~ August 31, 2010.

Section 2. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 3. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

PETER B. LEWIS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

Published: _____

ORDINANCE NO. 6219

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, AMENDING ORDINANCE NO.
6183 TO EXTEND THE EFFECTIVE DATE**

WHEREAS, on June 5, 2008, the City Council passed Ordinance 6183, which amended the City's Comprehensive Plan, zoning maps, and included the adoption of a sub-area plan related to the Auburn Gateway Project; and

WHEREAS, the Ordinance provides that the changes would not take effect unless the City and the Project proponents entered into a Development Agreement within 180 days, which period ends December 13, 2008; and

WHEREAS, staff recommends extending this deadline by nine months.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Section 13 of Ordinance 6163 is amended to read as follows:

Section 13. Effective Date. This Ordinance shall take effect and be in force five days from and after its passage, approval, and publication as provided by law; provided, that this ordinance shall not take effect unless the City and RPG execute a development agreement for the Auburn Gateway Project ~~within one hundred eighty (180) days of the effective date of this Ordinance~~ by August 31, 2009.

Section 2. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 3. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application

thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: DEC - 1 2008

PASSED: DEC - 1 2008

APPROVED: DEC - 1 2008



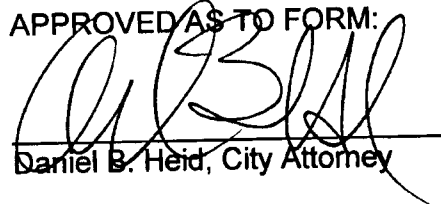
PETER B. LEWIS, MAYOR

ATTEST:



Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

Published: Dec 3, 2008

ORDINANCE NO. 6 1 8 3

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTIONS 18.06.010, 18.48.020, 18.48.100, 18.50.050, AND 18.56.040 OF THE AUBURN CITY CODE, CREATING A NEW SECTION 18.04.315 AND A NEW CHAPTER 18.31, C-4, MIXED-USE COMMERCIAL ZONING DISTRICT, OF THE AUBURN CITY CODE AND ADOPTING RELATED ZONING CODE MAP AMENDMENTS, RELATED COMPREHENSIVE PLAN MAP AND TEXT AMENDMENTS, RELATED TO ADOPTION AND IMPLEMENTATION OF THE NORTHEAST AUBURN - ROBERTSON PROPERTIES SPECIAL AREA PLAN

WHEREAS, the Robertson Properties Group ("RPG") has applied to the City for approvals necessary to redevelop its property consisting of the Valley Six Drive-In Theaters and several adjacent properties (collectively, the "Valley Six Site") with retail, office and/or multiple family residential uses (the "Auburn Gateway Project"); and

WHEREAS, the Valley Six Site is located within a larger area designated as a "Special Planning Area" by the City's Comprehensive Plan; and

WHEREAS, development of the Auburn Gateway Project would require adoption of amendments to the City's comprehensive plan, development of a special area plan, and amendments to the City's zoning code and zoning code map, in addition to approvals for the project itself, and

WHEREAS, the City reviewed RPG's proposed development and determined that it was in the best interest of the public for the City to imitate a

rezone of a broader area under ACC 18.68.030(B)(2) rather than rezoning only the Valley Six site, as requested by RPG; and

WHEREAS, the City and RPG contracted with Herrera Environmental Consultants, at RPG's expense, to prepare a special area plan for the Special Plan Area; and

WHEREAS, the City transmitted the proposed code and comprehensive plan amendments to the Washington State Department of Community Trade and Economic Development and to other state agencies for review as required by RCW 36.70A.160; and

WHEREAS the Planning Commission held a work session to review and consider the proposed amendments on August 3, 2004; and

WHEREAS, on December 7, 2004 the City of Auburn Planning Commission held a duly advertised public hearing on the proposed amendments and made a recommendation of approval to the City Council; and

WHEREAS, the City of Auburn on August 18, 1986 adopted a Comprehensive Plan by Resolution No. 1703 which includes a Map establishing the location of the Comprehensive Plan Land Use Designations throughout the City; and

WHEREAS, on April 17, 1995 the City of Auburn adopted Comprehensive Plan Amendments by Resolution No. 2635 to comply with the Washington State Growth Management Act; and

WHEREAS, the City of Auburn on September 5, 1995 reaffirmed that action by Ordinance No. 4788; and

WHEREAS, amendments to the Comprehensive Plan may be made outside the annual amendment limit pursuant to RCW 36.70A.130 if done in conjunction with initial adoption of a subarea plan that does not modify the comprehensive plan policies and designation applicable to the subarea; and

WHEREAS, the City and RPG agree that the City's adoption of the comprehensive plan amendments, zoning code amendments, and special area plan is contingent on the successful negotiation of a development agreement between the City and RPG for the Auburn Gateway Project,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Adoption of New Section of City Code. That a new Section 18.04.315 of the Auburn City Code be and the same hereby is adopted, to read as follows:

18.04.315 Discount club retailer.

"Discount club retailer" means a discount store or warehouse where shoppers pay a membership fee in order to take advantage of discounted prices on a wide variety of items such as food, clothing, tires and appliances; many items sold in large quantities or bulk.

Section 2. Amendment to City Code. That Section 18.06.010 of the Auburn City Code be and the same hereby is amended to read as follows:

18.06.010 Districts designated.

A. The city is divided into the following classes of districts:

1. R-R, rural residential district (four acres per lot);

2. R-S, one-family residential district (35,000 square feet per lot);
3. R-1, one-family residential district (8,000 square feet per lot);
4. R-2, one-family residential district (6,000 square feet per lot);
5. R-3, one- and two-family residential district;
6. R-4, multiple-family residential district;
7. R-MHP, manufactured home park district;
8. RO, residential office district and RO-H, residential office-hospital district;
9. C-N, neighborhood shopping district;
10. C-1, light commercial district;
11. C-2, central business district;
12. C-3, heavy commercial district;
13. C-4, mixed use commercial district;
1443. M-1, light industrial district;
1544. M-2, heavy industrial district;
1645. BP, business park district;
1746. LF, airport landing field district;
1847. P-1, public use district;
1948. UNC, unclassified use district;
2049. I, institutional use district;
2120. LH, Lea Hill district:
 - a. LHRS, one-family residential district;
 - b. LHR1, one-family residential district;
 - c. LHR2, one-family residential district;
 - d. LHR3, one- and two-family residential district;
 - e. LHR4, multiple-family residential district;
 - f. LHRMHP, manufactured home park district;
 - g. LHC1, light commercial district;
 - h. LHP1, public use district;
 - i. LHI, institutional district;
2224. EP, environmental park district;
2322. DUC, downtown urban center district.

B. The districts set out in subsection A of this section are established as the designations, locations, and boundaries thereof as set forth and indicated on the zoning map. (Ord. 6071 § 1, 2007; Ord. 6036 § 1, 2006; Ord. 5354 § 2, 2000; Ord. 4229 § 2, 1987.)

Section 3. Adoption of New Chapter of City Code. That a new

Chapter 18.31, Mixed Use Commercial District, of the Auburn City Code be and the same hereby is created to read as follows:

Chapter 18.31
C4 MIXED USE COMMERCIAL DISTRICT.

Sections:

- 18.31.010 Intent.
- 18.31.020 Permitted uses.
- 18.31.030 Uses requiring permit.
- 18.31.040 Development standards.
- 18.31.050 Supplemental development standards.

18.31.010 Intent.

The intent and objective of the C-4 district classification and its application is to provide for a pedestrian oriented mix of retail, office, and limited multiple family residential uses. This classification is intended to provide flexibility in design and combination of uses that is responsive to market demands. This classification is also intended to implement the Northeast Auburn/Robertson Properties Special Area Plan, a Planned Action for specific properties that have completed the Planned Action process per RCW 43.21C.031 and WAC 197-11. The uses enumerated in this classification represent a mix that accommodates multiple family residential, retail, and office uses anticipated through a coordinated, site-specific planning process. The multiple family residential must be located in a multistory building the ground floor of which must contain a permitted use or combination of uses, other than parking, as listed in this section. Certain heavy commercial uses permitted in other commercial classifications are not permitted in this district because of the potential for conflicts with multiple family residential uses, in order to achieve a quality of environment that is conducive to this mix of uses.

18.31.020 Permitted Uses.

Hereafter all buildings, structures, or parcels of land in the C-4 district shall only be used for the following, unless otherwise provided for in this title:

- A. Arcades, if accessory to a permitted use;
- B. Art, music and photography studios;
- C. Automobile Service Station, if accessory to a permitted use subject to the following development conditions:
 - 1. Gasoline dispensing facilities for passenger vehicles, provided the following requirements are met. These facilities are not intended to be the same as or

allow for an automobile service station as defined by ACC 18.04.140.

a. The gasoline dispensing facility must be accessory to an existing retail/service establishment in which the principal tenant has a minimum floor area of at least 25,000 square feet and the property must be at least 100,000 square feet in area. The principal tenant must own and/or manage the facility. The facility must be located on the same parcel of property as the principal tenant or be subject to a permanent recorded deed restriction that the facility must be accessory to the retail/service establishment.

b. The facility must be located and configured on the property to minimize the amount of conflict with pedestrian traffic.

c. The facility must be located on and have direct access to an arterial using curb cuts and driveways meeting city standards. If the curb cuts and driveways do not meet current city standards then they shall be brought up to such standards.

d. The facility cannot interfere with the existing parking and/or traffic circulation on the property. There shall be enough room on the property to allow for adequate stacking space for vehicles waiting for fuel in order to avoid interference with vehicles on the street. The facility cannot reduce the amount of parking required by the zoning code.

e. The facility shall have a roof that covers all activities including the pay window, refuse containers, fuel pumps and area being used for vehicle fueling. The area that is covered by the roof of the facility shall be no larger than 6,000 square feet. The number and configuration of pumps shall be limited such that no more than 10 vehicles may be fueled at any one time.

f. Columns or similar architectural features shall be provided that screen the visibility of the pump islands as well as give the visible impression of an enclosed structure. If

necessary, provisions must be made to avoid a safety issue of enclosing any fumes associated with the fueling of the vehicles. The overall height of the facility shall not exceed 20 feet.

g. The design, architectural treatment and streetscape features of the facility must provide some design continuity between the facility and primary structure.

h. A five-foot width of Type III landscaping shall be provided along the street frontage(s) that the facility is oriented to.

i. Any other products for sale shall only be displayed within the building containing the pay window and any such products shall be incidental to automobile care/maintenance, or snacks and beverages. No sales of alcoholic beverages will be allowed.

j. Signs shall be limited to permanent wall signs, attached to the face of the canopy, only.

k. The application for a conditional use permit shall illustrate how it complies with these standards.

D. Banking and related financial institutions; to include drive through service.

E. Brew pubs;

F. Daycare, including home based, mini daycare, daycare centers, preschool or nursery schools;

G. Delicatessens and coffee houses; to include drive through service;

H. Discount club retailers;

I. Dry cleaning and laundry services;

J. Grocery stores;

K. Health and physical fitness clubs;

L. Hobby shops;

M. Veterinary clinics, but does not allow outside runs or kennels;

N. Hotels, including convention facilities, reception and meeting rooms as an accessory use;

O. Liquor store;

P. Massage studio;

Q. Multiple family residential, subject to the following conditions:

1. The multiple family residential must be located in a multistory building and the ground floor must contain a permitted use or combination of uses, other than parking, as listed in this section.

2. An exception to this ground floor commercial requirement is allowed for uses accessory to the upper story residential at a rate of 1,500 square feet of area per upper story of residential. The ground floor areas accessory to the upper story residential may include, but are not limited to, entry space, lobby, hallway, mail areas. The 1,500 square feet per upper floor does not include exiting required to meet applicable building and fire codes;

R. Personal service shops;

S. Pharmacies;

T. Small-scale reproduction and printing services, including mailing and mail box services;

U. Professional offices;

V. Post offices, accessory or branch locations only;

W. Restaurants; including drive through service

X. Retail stores and shops, including department and variety stores that offer for sale the following and similar related goods:

1. Art supplies,
2. Automobile and motorcycle parts and accessories,
3. Baked goods,
4. Beverages,
5. Bicycles,
6. Books, magazines, and newspapers
7. Candy, nuts and confectionery,
8. Clothing,
9. Computers, parts and accessories
10. Dairy products,
11. Dry goods,
12. Flowers and house plants,
13. Fruits and vegetables,
14. Furniture and home furnishings,
15. Hardware, including electrical, heating, plumbing, glass, paint, wallpaper, and related goods,
16. Home garden supplies,
17. Household appliances,
18. Household pets and supplies,
19. Housewares,

- 20. Jewelry and clocks,
- 21. Meat, fish, and poultry, preprocessed,
- 22. Nursery and horticultural products,
- 23. Office supplies and equipment,
- 24. Photographic equipment, including finishing,
- 25. Radio, television, stereos and household electronics,
- 26. Shoes,
- 27. Sporting goods,
- 28. Stationery,
- 29. Toys;
- Y. Schools, including art, business, barber, beauty, dancing, driving, martial arts and music;
- Z. Secretarial services;
- AA. Theaters, including walk up and outdoor projection;
- BB. Other uses may be permitted by the planning director if the use is determined to be consistent with the intent of the zone and is of the same general character of the uses permitted in this section.

18.31.030 Uses Requiring Permit.

The following uses may be permitted when a conditional use permit has been issued pursuant to the provisions of Chapter 18.64 ACC:

- A. Government facilities, this excludes offices and related uses that are permitted outright;
- B. Nursing homes;
- C. Utility substations;
- D. Taverns

18.31.040 Development Standards.

Development standards in a C-4 district are as follows:

- A. Minimum lot area: none required;
- B. Minimum lot width: none required;
- C. Minimum lot depth: none required;
- D. Maximum lot coverage: none required;
- E. Minimum lot size:
 - 1. Commercial uses: none required;
 - 2. Residential uses: no minimum lot size, provided that residential density does not exceed 20 units per gross acre (including privately owned open space tracts but excluding dedicated public roads). The multifamily must be located in a multistory building and the ground floor must contain a permitted use or

combination of uses, other than parking, as listed in Section 18.31.020(Q), above.

F. Maximum building height: 45 feet. Buildings may exceed 45 feet if one additional foot of setback is provided from each property line for each foot the building exceeds 45 feet;

G. Minimum yard setbacks:

1. Front: 20 feet,
2. Side, interior: none required,
3. Side, street: 15 feet,
4. Rear: none required;

H. Fences and hedges: see Chapter 18.48 ACC;

I. Parking: see Chapter 18.52 ACC;

J. Landscaping: see Chapter 18.50 ACC;

K. Signs: see Chapter 18.56 ACC.

18.31.050 Supplemental Development Standards

Supplemental development standards in the C-4 district are as follows:

A. All uses shall be conducted entirely within a building or structure except:

1. Automobile parking lots;
2. Display or sales of goods that do not extend eight feet past the front of the building, do not block entrances or interfere with pedestrian travel, do not interfere with the parking areas and do not encroach upon public property;
3. Outdoor seating for restaurants or other entertainment;
4. Temporary uses as permitted by the hearing examiner, building official, planning director or city engineer pursuant to applicable ordinances;
5. Unloading and loading areas;
6. Utility substations;
7. Refuse containers;
8. Play areas for daycares, on-site residential or retail uses.
9. Drive-through facilities

B. Any repairing done on the premises shall be incidental only, and limited to custom repairing of the types of merchandise sold on the premises at retail. The floor area devoted to such repairing shall not exceed 30 percent of the total floor area occupied by the particular enterprise, except

that the limitations of this subsection shall not apply to shoe, radio, television or other small appliance repair services.

C. Storage shall be limited to accessory storage of commodities sold at retail on the premises or materials used in the limited fabrication of commodities sold at retail on the premises. No outside storage is permitted.

D. Operations conducted on the premises shall not be objectionable beyond the property boundary lines by reason of noise, odor, fumes, gases, smoke, vibration, hazard or other causes.

E. No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the state siting criteria (Chapter 70.105 RCW).

Section 4. Amendment to City Code. That section 18.48.020 of the Auburn City Code be and the same hereby is amended to read as follows:

18.48.020 Fences.

A. Height Regulations. The minimum or maximum height requirements as stipulated throughout this chapter shall be considered to be met if the height of the fence is within six percent of the height required. The height of the fence shall be determined from the existing, established grade on the property.

1. The following regulations shall apply in the R-S, LHRS, R-1, LHR1, R-2, LHR2, R-3, LHR3, R-4, LHR4, R-MHP, LHRMHP, RO, RO-H, I, LHI, CN, C-1, LHC1, C-2, C-4, and DUC districts:

a. Fences may be constructed to a height not to exceed the following in each of the required setback areas, as regulated per each zone, or as modified by subsection B of this section:

Front yard: 42 inches; provided that fences constructed of chain link, wrought iron or similar materials that provide visibility may be 72 inches in height;

Side yard: 72 inches;

Rear yard: 72 inches;

Street side yard: 42 inches.

2. Fences and walls built within the building area of a lot may be as high as the maximum building height allowed within the applicable zone district. Building permits for fences exceeding six feet in height are required.

B. Special Height Restrictions.

1. There shall not be anything constructed or reconstructed, and no obstruction permitted to grow, other than a post, column or tree not exceeding one foot square or one foot in diameter, between a height three feet and 10 feet above the established grade within the triangular areas described below, without the express approval of the city engineer:

a. The triangular area formed by a line 20 feet along the right-of-way lines of two intersecting streets, measured from the point of intersection of the right-of-way lines, and the line connecting the two ends of the two 20-foot lines;

b. The triangular area formed by a line 15 feet along the street right-of-way line measured from the point of intersection of the alley right-of-way line and a line 15 feet along the alley right-of-way line measured from the point of intersection of the street and alley right-of-way lines and the line connecting the unconnected ends of the two lines.

2. In general, no fence, hedge, structure or other obstruction shall act as a sight hazard to traffic, and the city engineer may order the removal of such hazard whether or not such object otherwise complies with the provisions of this title.

C. Screened Fence Defined.

1. A screened fence shall consist, at a minimum, of a chain link fence interwoven with slats placed in every row or available space in the fence;

2. A 100 percent sight-obscuring fence shall be constructed of solid wood, metal, concrete or other appropriate material which totally conceals the subject use from adjoining uses.

D. Fences and Associated Landscaping.

1. When landscaping is required along the property line, the fence shall be set back a minimum of five feet if the fence abuts a street right-of-way, so as to not obscure such landscaping;

2. At other property lines the landscaping shall be located to serve the greatest public benefit.

E. Obstructions – Generally Prohibited.

1. In no case shall any fence and/or hedge be constructed or grown, within a distance of three feet, around any fire hydrant; as well as no fence or hedge shall deter or hinder the fire department from gaining access to any fire department connection, fire protection control valve, fire hydrant, or fire department appliance or device;

2. In no case shall any fence and/or hedge obstruct the visibility of any fire hydrant from a distance of 150 feet, in any direction, of vehicular approach to the hydrant;

3. In no case shall any fence and/or hedge be constructed or grown in a manner which interferes with access to storm or sanitary sewer manholes and other appurtenances which require access for maintenance purposes.

F. Other than in the P-1, M-1, or M-2 zones, no fence may include the use of barbed wire; provided, that pasture areas a minimum of one acre in area may be fenced with barbed wire in any zone. Barbed wire may be attached to the top of any in addition to the height of a 72-inch fence, provided in does not extend more than one additional foot in height.

G. Any fence located within a front yard that features a locking gate or similar security device shall provide emergency access in a manner acceptable to the fire marshal. (Ord. 6071 § 2, 2007; Ord. 6031 § 3, 2006; Ord. 5398 § 2, 2000; Ord. 5342 § 2, 2000; Ord. 4304 § 1(31), 1988; Ord. 4229 § 2, 1987.)

Section 5. Amendment to City Code. That section 18.48.100 of

the Auburn City Code be and the same hereby is amended to read as follows:

18.48.100 Wireless communications facilities siting standards.
The following siting standards are intended to guide the location and development of wireless communications facilities (WCF) as defined by ACC 18.04.912 but not including microcells. The siting of microcells shall be in accordance with the definition of microcells found in ACC 18.04.912(G).

A. Separation between Facilities.

1. New, Freestanding Primary Support Structures.

a. The minimum separation, i.e., distance, between a proposed monopole (that is 75 feet or less in height) and any other existing primary support structure, of any height, shall be the height of the proposed monopole, including antenna, multiplied by a factor of 10.

b. The minimum separation, i.e., distance, between a proposed monopole (that is more than 75 feet in height, or lattice towers of any height) and any other existing primary support structure, of any height, shall be the height of the proposed monopole, including antenna, multiplied by a factor of 20.

2. The distance between primary support structures shall be measured by following a straight line, without regard to intervening buildings, from the base of one support structure to the base of the other support structure(s).

3. A primary support structure would be considered "existing" if a conditional use permit or administrative use permit has been issued and is still valid for sites which have not been built upon.

B. Co-Location Requirements.

1. For monopoles that are more than 75 feet in height and lattice towers of any height (Type 3-B facilities), the owner of the property shall execute and provide evidence of a nonexclusive lease with the carrier that allows for other carriers to place antennas on the structure.

2. Any application for a Type 3-B facility shall include technical justification that an existing Type 3-B facility with a nonexclusive lease could not be used instead of constructing a new tower.

C. Height.

1. Unless otherwise provided for, the height of any primary support structure and/or antenna shall not exceed the height limitations of the zoning district.

2. The maximum height of any primary support structure shall not exceed 120 feet.

3. There shall be no variances allowed to the height limitations.

4. The carrier shall provide evidence that the Federal Aviation Administration (FAA) has approved the location of a primary support structure relative to the Auburn Municipal Airport.

5. Unless otherwise restricted by this section, building- or structure-mounted antennas may extend a maximum of 15 feet above the maximum height permitted for structures within the zone.

6. Antennas that are mounted on structures that do not otherwise have a height restriction may be allowed to increase the overall height of the structure by no more than 10 percent of the height of the structure unless additional approvals are obtained.

D. Setbacks.

1. All equipment shelters, cabinets, support structures or other above-ground facilities shall meet the setback requirements of the zone in which located except as follows. All equipment shelters, cabinets, or other above-ground facilities used to support primary

support structures shall be set back the same distance required of the primary support structure. All equipment shelters, cabinets, or other above-ground facilities within a nonresidential zone shall be set back a minimum of 50 feet from any adjacent R zone.

2. The minimum distance from any primary support structure, of any height, to any residentially zoned parcel of property shall be a distance equal to the overall height of the primary support structure (including antennas) multiplied by a factor of two.

3. Where possible, roof-mounted antennas and equipment shelters and/or cabinets are to be placed towards the center of the building, or away from public views. Equipment shelters and/or cabinets shall be screened by a parapet or similar architectural feature.

E. Fencing and Landscaping.

1. Fencing. Fencing is required to enclose all above-ground support equipment that is associated with primary support structures. Fencing will be 100 percent sight-obscuring as defined in ACC 18.48.020(C)(2), if visible from public right-of-way or less intense zoning district. Equipment shelters and/or cabinets shall be enclosed by fencing a minimum of six feet in height.

2. Landscaping.

a. Where above-ground support equipment is visible from public right-of-way, a minimum width of five feet of Type II landscaping as defined in ACC 18.50.040 will be provided on the exterior of the enclosing fence in order to effectively screen the equipment from the public right-of-way.

b. Where facilities are visible from adjacent residential uses, a minimum width of five feet of Type I landscaping as defined in ACC 18.50.040 will be provided on the exterior of the enclosing fence in order to effectively screen the equipment from the adjacent residential uses.

c. Existing on-site vegetation may be used to meet the landscape requirements if approved by the planning director.

F. Aesthetics.

1. In order to minimize any potential, negative aesthetic impacts from new primary support structures including protecting views to and from residential neighborhoods, mitigation may be required to blend the facilities in with the adjacent development or environs. Typical solutions for the support structure might include: an extension of the building, a component of a sign structure, disguising the facility as a tree, planting of tall trees, moving the location of the facility, painting or texturing the facility, etc.

2. Building- or roof-mounted antennas will be painted or textured to "blend" with the adjacent surfaces.

3. No lettering, symbols, images or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent street shall be placed on or affixed to any part of the WCF, unless required by the FCC or FAA.

4. Except as specifically required by the FAA (but must be approved by the city), freestanding primary support structures shall be painted a color that best allows them to blend into the surroundings. The use of grays, blues and greens might be appropriate; however, each application shall be evaluated individually.

G. Lighting.

1. Freestanding support structures shall not be artificially lighted, unless required by the FAA or other applicable authority. Any proposed lighting shall be submitted at the time of the initial application. Any lighting must be reviewed and approved by the city.

2. Security lighting used to light the equipment facility shall be directed downward, shielded and kept within the boundaries of the site.

H. Abandoned Facilities.

1. Any WCF which is not utilized for a period of nine months or more will be considered abandoned.

2. Any WCF which falls into a state of disrepair as determined by the planning director will be considered abandoned.

3. Any WCF considered to be abandoned must be removed completely within 90 days from the date of notification by the city's code enforcement personnel. The code enforcement personnel may extend the 90-day period should a valid application for use of the facility be submitted to the city.

I. Noise. For the purposes of this section, WCF will be considered a Class B, commercial, noise source pursuant to WAC 173-60-040.

J. Supplemental Information Required for Applications. In addition to the information that is otherwise required for an application for a permit for a WCF, the following is also required:

1. For a new primary support structure and related equipment, the applicant shall provide the carrier's master network plan for the city showing the carrier's existing WCF locations and narrative explaining the potential WCF locations over the next year, if known. The applicant shall also provide technical justification supporting the need for the height of the primary support structure and why a

shorter support structure could not be utilized. Any application for a Type 3-B facility shall provide technical justification as to why a Type 3-A facility could not be utilized instead to adequately serve the Auburn community.

2. Narrative description of the facility including whether there is capacity of the proposed structure for more antennas, methods for minimizing visual impacts of the facilities, etc.

3. A color swatch for the proposed primary support structure.

4. Photographs or similar illustrations that show a reasonable likeness of the proposed facility including the antenna arrays and above-ground support equipment.

K. Zoning Districts in Which WCF Are Permitted. The following table illustrates which zoning districts the types of facilities, as defined by ACC 18.04.912(J), are allowed in and which permits are required. Microcells, as defined by ACC 18.04.912(G), are allowed only in residential zones and shall be permitted outright pursuant to the provisions of ACC 18.04.912(G).

Zoning District	Type of Permit Required		
	Permitted Outright	Administrative Use Permit	Conditional Use Permit
All Zones	1-D	1-D ¹	1-D ²
RO-H	1-A	1-B	1-C
C-N	1-A	1-B	1-C
C-1, LHC1	1-A	1-B	1-C
C-2	1-A	1-B	1-C
C-3, C-4	1-B, 2-A	1-C, 2-B, 3-A	3-B
M-1	1-B, 2-A	1-C, 2-B, 3-A	3-B
M-2	1-B, 2-A	1-C, 2-B, 3-A	3-B
P-1, LHP1	1-B, 2-A	1-C, 2-B	3-A ³
I, LHI	1-A	1-B	1-C
LF	1-A	1-B	1-C

¹ Allowance for the WCF to extend to a height of 20 percent of the supporting structure.

² Allowance for the WCF to extend to a height of 30 percent of the supporting structure.

³ The maximum height allowed, including antennas, is 45 feet.

L. Exemptions.

1. Unless otherwise provided for, the following are exempt from the provisions of this section:

- a. Microcells as defined by ACC 18.04.912(G).
- b. Mobile testing facilities/equipment used to test network limitations. The facilities/equipment shall not be at any one location for more than 14 days and shall otherwise meet the requirements of any other ordinance, regulation or code provision.
- 2. The following is exempt from the provisions of subsection A of this section, Separation between Facilities:
 - a. Emergency communication systems operated by a local public agency responsible for providing emergency services. (Ord. 6071 § 3, 2007; Ord. 6036 § 2, 2006; Ord. 5645 § 1, 2002; Ord. 5342 § 2, 2000; Ord. 5020 § 1, 1997.)

Section 6. Amendment to City Code. That section 18.50.050 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.50.050 Regulations by zone.

- A. R-R, R-S, LHRS, R-1, LHR1, R-2, LHR2, R-3, and LHR3 Districts. Landscaping shall only be required in conjunction with a conditional use permit. The type and amount to be determined at that time the CUP is approved.
- B. R-4 and LHR4 Districts.
 - 1. Street frontage: five-foot width of Type III;
 - 2. Adjacent to R-R, R-S, LHRS, R-1, LHR1, R-2, or LHR2 zone: five-foot width of Type III, adjacent parking or driveways will require a five-foot width of Type II;
 - 3. Adjacent to R-3 or LHR3 zone: five-foot width of Type IV, adjacent parking or driveways will require a five-foot width of Type III.
- C. RO and RO-H Districts.
 - 1. Street frontage: 10-foot width of Type III;
 - 2. Adjacent to R-R, R-S, R-1, R-2, or R-3 zone: 10-foot width of Type III, adjacent parking or driveways will require a 10-foot width of Type II;
 - 3. Adjacent to R-4, R-MHP: five-foot width of Type IV, adjacent parking or driveways will require a five-foot width of Type III.
- D. I, LHI, C-1, LHC1, C-2, C-N, P-1, and LHP1 Districts.
 - 1. Street frontage: five-foot width of Type III, no street frontage landscaping is required for the C-2 zone except for parking lots and as may be required by ACC 18.28.050(F);

2. Adjacent to R-R, R-S, LHRs, R-1, LHR1, R-2, LHR2, R-3, or LHR3 zone: five-foot width of Type II, adjacent parking or driveways will require a five-foot width of Type I;
 3. Adjacent to R-4, LHR4, RO, RO-H, R-MHP, or LHRMHP zone: five-foot width of Type III, adjacent parking or driveways will require a five-foot width of Type II.
- E. C-3, C-4, LF Districts.
1. Street frontage: five-foot width of Type III;
 2. Adjacent to R-R, R-S, R-1, R-2, or R-3 zone: 10-foot width of Type II, adjacent parking or driveways will require a 10-foot width of Type I;
 3. Adjacent to R-4, RO, RO-H or R-MHP zone: 10-foot width of Type III, adjacent parking or driveways will require a 10-foot width of Type II;
 4. Outdoor storage yards adjacent to any C, P, I or M-1 zone.
- F. M-1 District.
1. Street frontage: 10-foot width of Type III, an additional 10-foot width will be required when loading and unloading docks face a street. In lieu of the additional 10-foot width of Type III landscaping, a Type II landscaping may be provided;
 2. Adjacent to any R zone: 10-foot width of Type I;
 3. Adjacent to I, C-1, C-2, P-1, or C-N zone: 10-foot width of Type II, adjacent outdoor storage yards will require a 10-foot width of Type I;
 4. Adjacent to C-3, C-4, LF zone: 10-foot width of Type III, adjacent outdoor storage yards will require a 10-foot width of Type I;
 5. For those buildings that have frontage on a street a minimum of a 10-foot width of Type III landscaping shall be placed next to the building;
 6. Outdoor storage yards adjacent to other M-1 zoned property shall have a minimum width of a five-foot Type I landscaping;
 7. Adjacent to the Interurban Trail. Outdoor storage yards adjacent to the Interurban Trail (regardless of the zoning of the Interurban Trail) shall have a minimum 10-foot width of Type I landscaping.
- G. M-2 District.
1. Street frontage: 10-foot width of Type III;
 2. Adjacent to any R zone: 30-foot width of Type I;

3. Adjacent to I, C-1, C-2, P-1, or C-N zone: 10-foot width of Type II, adjacent outdoor storage yards will require a 10-foot width of Type I;

4. Adjacent to C-3 C-4, or LF zone: 10-foot width of Type II, adjacent outdoor storage yards will require a 10-foot width of Type I;

5. For those buildings that have frontage on a street a minimum of a 10-foot width of Type II landscaping shall be placed next to the building.

H. BP District. The amount and type of landscaping shall be determined at the time of the approval of the business park. The landscaping requirements shall however be guided by the M-1 requirements and a minimum of 15 percent of the business park shall be landscaped.

I. EP District.

1. Except as provided for in subsection (I)(2) of this section, all required yards shall be landscaped with Type III landscaping.

2. The planning director may reduce the width of required landscaping by up to 50 percent for projects employing drip irrigation or similar water conservation measures, use of native plant materials, or xeriscaping.

3. In no case shall less than 15 percent of the lot be landscaped.

4. Outdoor storage areas shall be screened with a minimum width of five-foot Type I landscaping. (Ord. 6036 § 3, 2006; Ord. 5863 § 5, 2004; Ord. 5342 § 2, 2000; Ord. 4914 § 1, 1996; Ord. 4304 § 1(36) – (39), 1988; Ord. 4229 § 2, 1987.)

Section 7. Amendment to City Code. That sections 18.56.030 and 18.56.040 of the Auburn City Code be and the same hereby are amended to read as follows:

18.56.030 General provisions, all districts.

A. Community Signs. The planning, building and community director may approve and permit to be erected entrance signs, at or near the city limits, on city public right-of-way or on privately owned parcels with the owner's permission, on which may be listed institutional names, service clubs or

organizations or points of interest or similar public information. Right-of-way use permits may be required for signs located in the public right-of-way.

B. Temporary Signs.

1. Special event signage may be allowed subject to the following:

- a. Use of such signage is limited to 10 days per display, not to exceed 10 days in any 90-day period;
- b. The area of any single sign shall not exceed 30 square feet;

2. Banners may be allowed subject to the following:

- a. No more than two such signs may be used per site at any given time;
 - b. Use of such signs is limited to 90 consecutive days, and may not exceed 90 days in any 120-day period;
 - c. The area of any single banner shall not exceed 120 square feet;
3. Signs which are placed upon or within a window and which are intended to be viewed from the right-of-way shall not exceed 50 percent of the window area;

4. Permits are not required, except that signs exceeding the allowable size and time duration must receive a permit issued by the planning, building and community director if special circumstances exist that warrant the additional signage.

C. Civic Events. Street banners may be permitted subject to approval and installation in accordance with rules and procedures established by the city of Auburn public works department.

D. Sign Lighting Provisions.

1. All lighting shall be arranged to reflect away from any residential zone. No person shall construct, establish, create or maintain any stationary exterior lighting or illumination system or any interior system which is intended to be viewed from a street, highway or other public thoroughfare used for vehicular traffic which system contains or utilizes:

- a. Any exposed incandescent lamp with wattage in excess of 25 watts,
- b. Any exposed incandescent lamp with a metallic reflector,
- c. Any exposed incandescent lamp with an external reflector,
- d. Any revolving beacon light,
- e. Any continuous or sequential flashing operation, except as allowed for changing message center signs in subsection (F)(1) of this section;

2. The provisions of subsection (D)(1) of this section shall not apply to:

- a. Lighting systems owned or controlled by any public agency for the purpose of directing or controlling navigation, traffic, or highway or street illumination,
- b. Aircraft warning lights.

E. Construction Provisions, Sight Distance, Exposed Angle Iron and Wire.

- 1. Each sign shall be adequately constructed in accordance with the requirements of the International Building Codes, as amended;
- 2. Signs containing electrical circuitry shall meet the requirements of the National Electrical Code and all state laws, and shall include an approved testing lab sticker;
- 3. Signs must meet vehicular sight distance requirements established by the city engineer pursuant to ACC 18.48.020(B);
- 4. When a projecting sign is used, no angle irons, guy wires or braces shall be visible, except those that are an integral part of the overall design, such as decorative metals or woods, or unless they are required for safety.

F. Changing Message Center Signs.

- 1. Where permitted under this Chapter, changing message center signs shall comply with the following requirements; provided that changing message center signs that only display time and temperature or similar public service information shall be exempt from these requirements.

a. Where allowed. Changing Message Center signs shall only be allowed in the I, P1, C1, C2, DUC, C3, C4, M1 and M2 zones.

i. In the I and C1 zones, changing message center signs shall only be allowed on frontages along a collector, minor or principal arterial street.

ii. In the I zone, no changing message center sign shall operate between the hours of 10:00 p.m. and 6:00 a.m.

iii. In the DUC zone, changing message center signs shall only be allowed when located adjacent and oriented to Auburn Way North/Auburn Way South street frontages. (For other sign standards for the DUC zone, see ACC 18.29.060.I).

b. Number. No more than one changing message center sign per street frontage shall be permitted on each property.

c. Sign Face Area. Except in the I and P1 zones, the changing message center shall not constitute more than seventy five percent (75) of a sign's total sign face area.

d. Display.

1. The display of the sign shall not change more rapidly than once every one and one-half (1.5) seconds.

2. No scrolling message shall require more than five (5) seconds to be displayed in its entirety.

e. Light Levels.

1. Changing message center signs shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the sign based on ambient light conditions.

2. At no time shall a changing message center sign be operated at a brightness level greater than the manufacturer's recommended levels.

3. All lighting shall be arranged to reflect away from any residential zone. The director shall have the authority to require a sign permit application include information to ensure the intent of this requirement is met.

4. The brightness level shall not exceed eight thousand (8,000) nits when measured from the sign's face at its maximum brightness during daylight hours and five hundred (500) nits when measured from the sign's face at its maximum brightness between dusk and dawn;

f. On Premise Advertising Only. Changing message center signs shall only advertise on-premise products and services, or display public service messages or messages on behalf of not-for-profit organizations.

g. Additional Requirements. A copy of the manufacturer's operating manual shall be provided to the City upon request.

h. Amortization. All changing message center signs that do not comply with the requirements of ACC sections 18.56.030 F.1.(d) and F.1.(e) shall be brought into compliance with those requirements by April 1, 2009.

G. Change of Copy. The holder of a permit, for the duration thereof, shall have the right to change the advertising copy on the structure or sign for which the permit was issued without being required to pay any additional fees.

H. Exemptions. Unless otherwise specified or unless expressly prohibited, it is not the intent of this chapter to regulate the following signs:

1. The flag of a government or noncommercial institutions such as schools, with the poles treated as structures;
2. Official public notices, official court notices;
3. Incidental signs (see ACC 18.56.020(O), Definitions);
4. Signs not visible from public right-of-way;
5. Lettering or symbols painted directly onto or flush-mounted magnetically onto an operable vehicle;
6. Painting, repainting, cleaning, repairing, and other normal maintenance unless structural or electrical changes are made;
7. Religious symbols not attached to a permitted sign;
8. Memorial signs or tablets, names of buildings, dates of erection and the like, which are incorporated into the building material and facade;
9. Signs required by law, traffic or pedestrian control signs, signs indicating scenic or historic points of interest, which are erected by or on the order of a public officer in the performance of his or her public duty;
10. Sculptures, fountains, mosaics, and design features which do not incorporate advertising or identification;
11. Temporary signs limited exclusively to noncommercial speech.

I. Prohibited Signs. From and after the effective date of the ordinance codified in this chapter it shall be unlawful for any person to erect or place within the city, except as otherwise authorized:

1. A swinging projecting sign;
2. Portable signs, except as permitted by ACC 18.56.025 (Real Estate Signs) and ACC 18.56.040(E) (C-2 District);
3. Banners, pennants, ribbons, streamers, spinners, rotating or blinking lights, strings of lights, or similar devices, except as permitted by subsection B of this section (Temporary Signs);

4. Flashing signs, except as permitted in subsection D of this section (Lighting Provisions);
5. Changing message center signs, except as allowed in the I, P1, C1, C2, C3, C4, M1 and M2 zones.
6. Signs attached to, or placed on, a vehicle or trailer parked on private or public property that is not associated with the business advertised on said sign(s). This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle used in the normal course of business. This does not include automobile for sale signs or signs attached to franchised buses or taxis;
7. Private signs placed in or on a public right-of-way, except for as expressly permitted by this chapter;
8. Any sign which constitutes a traffic hazard or detriment to traffic safety by reason of its size, location, movement, coloring, or method of illumination, or by obstructing the vision of drivers, or detracting from the visibility of any official traffic control device by diverting or tending to divert the attention of drivers of moving vehicles from traffic movement on streets, roads, intersections, or access facilities. No sign shall be erected so that it obstructs the vision of pedestrians by glare or method of illumination or constitutes a hazard to traffic. No sign may use words, phrases, symbols or characters in such a manner as to interfere with, mislead, or confuse traffic;
9. Any sign or advertising structure or supporting structure that is torn, damaged, defaced or destroyed;
10. Signs attached to poles installed by governmental agencies, utility poles, trees, rocks or other natural features;
11. Signs attached to benches, garbage cans, or other street furniture located within the public right-of-way;
12. Rotating signs;

13. Billboards;

14. Any sign which does not structurally or materially conform to the requirements of the city's adopted International Building Code.

J. Nonconforming Signs. Permanent signs established legally prior to the adoption of this chapter that do not conform to the regulations of this chapter with regard to number, size, height or location shall be allowed to remain as legal nonconforming signs except as follows:

1. Whenever a new building replaces the principal building.
2. When there is an expansion of an existing building, the requirements of this section shall apply only if there is an increase in floor area of 25 percent or more (including the cumulative increase of previous expansions after the effective date of the ordinance amending this section).
3. Whenever a nonconforming use is replaced by a conforming use, the requirements of this section shall apply in full to the new use if and only if there is a change in required signage due to the zoning district.
4. Any sign, including the sign structure, now or hereafter existing which no longer advertises a bona fide business conducted or a product sold. Such sign(s) shall be taken down and removed by the owner, agent or person having the beneficial use of the land, building or structure upon which such sign may be found within 90 days after written notification from the building official.

K. Master Sign Plans Authorized. The planning, building and community director has the authority to require a master sign plan to ensure a consistent and coordinated signage scheme for development proposals. In approving master sign plans under the provisions of this subsection, the director has the authority to approve signage schemes that allow for signs greater in area and height than allowed in the particular zone in which the development is located when a coordinated signage scheme is used.

Master signage plans shall be recorded. (Ord. 6162 § 2, 2008, Ord. 5993

§ 1, 2006; Ord. 5342 § 2, 2000; Ord. 4705 § 2, 1994; Ord. 4229 § 2, 1987.)

18.56.040 Regulation by district.

A. R-R, R-S, LHRs, R-1, LHR1, R-2, LHR2, R-3, LHR3, R-4, LHR4, R-MHP, LHRMHP Zoning Districts (Nonresidential Uses, Except as Noted).

1. Residential entry monument: A cumulative area of 50 square feet or 10 feet in height (highest point of sign structure) not to exceed two per entrance; provided, that no sign exceeds 32 square feet in area.
2. Maximum sign area of all signs is 40 square feet per frontage.
3. Freestanding Signs.
 - a. Total number permitted: one per frontage not to exceed two total freestanding signs per property.
 - b. Maximum height: 10 feet.
 - c. Maximum area: 32 square feet per face, calculated at a rate of one square foot of sign area for every three lineal feet of frontage. The minimum entitlement for freestanding signs shall be one 16-square-foot sign for those sites with frontages less than 48 feet.
4. Wall Signs (for Building or Tenant Space).
 - a. Total number permitted: one per frontage not to exceed two total wall signs per building.
 - b. Maximum area: 32 square feet, calculated at a rate of one square foot of sign area for every three lineal feet of frontage. The minimum entitlement for wall signs shall be one 16-square-foot sign for those sites with frontages less than 48 feet.
5. Signs may be indirectly illuminated only.

B. RO, RO-H, C-N, C-1, LHC1, BP Zoning Districts (Nonresidential Uses).

1. Maximum sign area of all signs is 150 square feet per frontage.
2. Freestanding Signs.
 - a. Total number permitted: one per frontage not to exceed two total.
 - b. Maximum height: 22 feet, 10 feet in the RO zone.

- c. Maximum area: 100 square feet per face, 75 square feet per face in the RO zone, calculated at a rate of one square foot of sign area for every two lineal feet of frontage. Minimum entitlement for freestanding signs shall be one sign at 32 square feet for those sites with less than 64 feet of frontage.
 - d. If permitted, the second freestanding sign shall not exceed 50 percent of the area allowed for a single freestanding sign and 150 feet measured in a straight-line distance must separate multiple pole signs.
 - 3. Wall Signs (for Building or Tenant Space).
 - a. Total number permitted: One per frontage.
 - b. Maximum area: 100 square feet, calculated at a rate of one square foot of sign area for every 1.5 lineal feet of frontage. For multitenant buildings where freestanding signage contains the name of not more than one tenant business (e.g., a prime tenant name or a shopping center name), an additional 25 percent of wall signage per tenant space shall be allowed. This increase in signage shall not apply to minimum entitlement for wall signs, which shall be one sign at 16 square feet.
 - c. Signs may be directly or indirectly illuminated.
 - 4. Suspended Signs.
 - a. Total number permitted: one per entrance.
 - b. Maximum area: six square feet per face.
 - c. Minimum clearance is eight feet from sign to grade.
 - 5. Projecting Signs.
 - a. Not permitted in C-N, RO or RO-H.
 - b. Total number permitted: one in lieu of a permitted freestanding sign.
 - c. Maximum height: height requirement of the zoning district.
 - d. Maximum area: 50 percent of the area allowed for single freestanding signs.
- C. P-1, LHP1, I, LHI Zones.
 - 1. Freestanding Signs.
 - a. Total number permitted: one per frontage not to exceed two total.
 - b. Maximum height: 18 feet.
 - c. Maximum area: 80 square feet per face, calculated at a rate of one square foot of sign area for

every two lineal feet of frontage. The minimum entitlement for freestanding signs is one sign at 32 square feet.

d. If permitted, the second freestanding sign shall not exceed 50 percent of the area allowed for a single freestanding sign and 150 feet measured in a straight-line distance must separate multiple pole signs.

e. For projects, parcels or complexes that have a single street frontage and more than 300 feet of street frontage, a changing message center sign may be permitted for a total of two signs per frontage subject to the following:

i. Only one changing message center is provided.

ii. Multiple signs are separated by at least 150 feet.

iii. The combined area of the two signs does not exceed 120 square feet in size and neither sign is greater than 80 square feet in size.

2. Wall Signs (for Building or Tenant Space).

a. Total number permitted: two per street frontage.

b. Maximum area: 50 square feet for total of all wall signs per frontage.

c. Signs may be directly or indirectly illuminated.

D. LF, M-1, M-2 Zoning Districts.

1. Maximum sign area of all signs is 150 square feet/frontage.

2. Freestanding Signs.

a. Total number permitted: two per frontage not to exceed four total.

b. Maximum height: 30 feet.

c. Maximum area: 125 square feet per face, calculated at a rate of one square foot of sign area for every two lineal feet of frontage. Minimum entitlement for freestanding signs is 32 square feet for those sites without 64 feet of frontage.

d. The total area of freestanding signs on any given frontage shall not exceed the area allowed for a single freestanding sign.

e. The maximum height of signs located on a second or third frontage shall be 20 feet.

- f. Multiple freestanding signs must be separated by 150 feet measured in a straight-line distance.
 - 3. Wall Signs (for Building or Tenant Space).
 - a. Total number permitted: one per frontage.
 - b. Maximum area: 100 square feet, calculated at a rate of one square foot of sign area for every 1.5 lineal feet of frontage.
 - 4. Projecting Signs.
 - a. Total number permitted: one in lieu of a permitted freestanding sign.
 - b. Maximum height: height requirement of the zoning district.
 - c. Maximum area: 50 percent of the area allowed for single freestanding sign.
- E. C-2 Zoning District.
 - 1. Maximum sign area of all signs is 200 square feet.
 - 2. Hanging signs that are designed to display the availability of a specific product in a business, limited to three square feet and no more than two such signs per business, shall be considered permanent signs, but shall not be calculated as part of the maximum allowed signage.
 - 3. Freestanding Signs.
 - a. Freestanding signs are not allowed on properties abutting or oriented toward Main Street.
 - b. Total number permitted: one per frontage not to exceed two total.
 - c. Maximum height: 20 feet.
 - d. Maximum area: 75 square feet per face, calculated at a rate of one square foot of sign area for each lineal foot of frontage. Minimum entitlement for freestanding signs shall be one sign at 32 square feet.
 - 4. Wall Signs.
 - a. Total number permitted: one per frontage.
 - b. Maximum area: 150 square feet, calculated at a rate of one square foot of sign area for every one lineal foot of frontage. For multitenant buildings where freestanding signage contains the name of not more than one tenant business (e.g., a prime tenant name or a shopping center name), an additional 25 percent of wall signage per tenant space shall be allowed. This increase in signage shall not apply to minimum entitlement for walls signs, which shall be one sign at 16 square feet.

5. Suspended Signs. One double-faced suspended sign, not exceeding three square feet per face, may be allowed for each business entrance. There shall be a minimum of eight feet of clearance between the grade and the sign.

6. Portable Signs. One portable sign may be allowed for each business entrance, not to exceed one portable sign per building frontage, subject to the following:

a. May be placed within public right-of-way subject to the guidelines provided by the planning, building and community development director in consultation with the city engineer such that sign does not interfere with pedestrian or vehicular traffic and conforms to the requirements of the Americans with Disabilities Act.

b. May not exceed 36 inches in height and 30 inches in width and be limited to two faces.

c. May be displayed during business hours only.

d. Must be constructed of either wood or another sturdy material to ensure stability in the wind.

e. May not move, spin, flash, or otherwise be animated.

f. Shall meet applicable supplemental design requirements of the Auburn downtown association.

7. Supplemental Sign Standards, C-2 Zone.

a. Sign Design and Construction.

i. All signs, other than temporary signs, shall be made of professional, durable materials such as wood, metal, and/or glass.

ii. Signs that are indirectly illuminated shall have their light sources shielded from view.

iii. Internally illuminated signs are not permitted abutting or oriented toward Main Street.

b. Sign Placement.

i. Signs shall be oriented toward pedestrian visibility and shall be positioned at such a height as to be readable by pedestrians.

ii. Externally mounted wall signs shall not be mounted so as to block building windows.

F. C-3 and C-4 Zoning Districts (Nonresidential Uses, Except as noted).

1. Freestanding Signs.

- a. Total number permitted: two per frontage not to exceed four total.
 - b. Maximum height: 30 feet.
 - c. Maximum area: 200 square feet, calculated at a rate of one square foot of sign area for every two lineal feet of frontage; provided, that the maximum size of any sign does not exceed 125 square foot per face. The minimum entitlement for freestanding signs is 32 square feet for those sites without 64 feet of frontage.
 - d. The total area of freestanding signs on any given frontage shall not exceed the area allowed for a single freestanding sign.
 - e. The maximum height of signs located on a second or third frontage shall be 20 feet.
2. Wall Signs (for Building or Tenant Space).
 - a. Maximum area: 125 square feet, calculated at a rate of one square foot of sign area for every 1.5 lineal feet of frontage.
3. Projecting Signs.
 - a. Total number permitted: one in lieu of a permitted freestanding sign.
 - b. Maximum height: height requirement of the zoning district.
 - c. Maximum area: 50 percent of the area allowed for single freestanding sign.
4. Suspended Signs.
 - a. Total number permitted: one.
 - b. Maximum placement height: 25 feet.
 - c. Maximum area: six square feet per face.
 - d. Minimum clearance is eight feet from sign to grade.
5. Off-Premises Signs.
 - a. Total number permitted: one per business and one per parcel.
 - b. Location: Off-premises sign must be located in a zone that permits off-premises signs.
 - c. Maximum height: 20 feet.
 - d. Maximum area: 50 percent of the area allowed for single freestanding sign, calculated using the feet of frontage of the site where the sign is located.
 - e. Must be within 750 feet of the business being advertised.

- f. Must be separated from any existing pole sign a minimum distance of 150 feet measured in a straight-line distance.
 - g. Sign can be no more than two faces.
 - h. Signs may be directly or indirectly illuminated.
 - 6. Residential entry monument (residential uses): A cumulative area of 50 square feet and 10 feet in height (measured at the highest point of sign structure) not to exceed two per entrance; provided, that no sign exceeds 32 square feet in area.
 - G. EP Zoning District.
 - 1. Maximum sign area of all signs is 150 square feet per street frontage.
 - 2. Freestanding Signs.
 - a. Freestanding signs shall be limited to ground signs.
 - b. Total number permitted: one per frontage not to exceed two total.
 - c. Maximum height: 10 feet.
 - d. Maximum area: 100 square feet per face, calculated at a rate of one square foot of sign area for every two lineal feet of frontage. Minimum entitlement for freestanding signs is 32 square feet for those sites with less than 64 feet of frontage.
 - e. Multiple freestanding signs must be separated by 150 feet measured in a straight-line distance.
 - f. Minimum Yard Setbacks.
 - i. Directly illuminated signs: 10 feet;
 - ii. Indirectly illuminated signs: five feet.
 - 3. Wall Signs (for Building or Tenant Space).
 - a. Total number permitted: one per frontage.
 - b. Maximum area: 100 square feet, calculated at a rate of one square foot of sign area for every 1.5 lineal feet of frontage. For multitenant buildings where freestanding signage contains the name of not more than one tenant business (e.g., a prime tenant name), an additional 25 percent of wall signage per tenant space shall be allowed. This increase in signage shall not apply to minimum entitlement for wall signs, which shall be one sign at 16 square feet. (Ord. 6036 § 4, 2006; Ord. 5993 § 1, 2006; Ord. 4229 § 2, 1987.)

Section 8. Adoption of Comprehensive Plan Amendments. The Comprehensive Plan text and map amendments as set forth in Exhibits "A" and "B", respectively, attached hereto and incorporated by reference are herewith adopted and approved and shall be filed along with the Ordinance with the City Clerk and be available for public inspection.

The Comprehensive Plan text and map amendments modify the Comprehensive plan adopted on August 18, 1986 by Resolution No. 1703 and adopted by Ordinance No. 4788 on September 5, 1995.

The Comprehensive Plan and text amendments are herewith designated as a basis for the exercise of substantive authority under Washington State Environmental Policy Act by the city's responsible environmental official in accordance with RCW 43.21.060.

Section 9. Adoption of Subarea Plan. The subarea plan, the Northeast Auburn/Robertson Properties Special Area Plan document, as set forth in Exhibit "C", attached hereto and incorporated by reference, is herewith adopted and approved and shall be filed along with the Ordinance with the City Clerk and be available for public inspection.

Section 10. Adoption of Zoning Code Map Amendments. The Zoning Code Map Amendment, as set forth in Exhibit "D" attached hereto and incorporated by reference, is herewith adopted and approved and shall be filed along with the Ordinance with the City Clerk and be available for public inspection.

Section 11. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 12. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 13. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law; provided, that this ordinance not take effect unless the City and RPG executed a development agreement for the Auburn Gateway Project within one hundred eighty (180) days of the effective date of this Ordinance.

DATED and SIGNED this 16th day of June, 2008.

INTRODUCED: JUN 16 2008

PASSED: JUN 16 2008

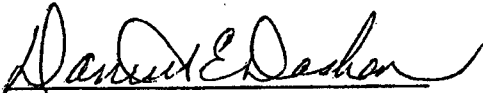
APPROVED: JUN 16 2008

CITY OF AUBURN



PETER B. LEWIS
MAYOR

ATTEST:



Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:



Daniel B. Heid,
City Attorney

Published: 06-18-2008

(3.10)

LEGAL DESCRIPTION

PROJECT NAME: Valley Six Drive-In

PROJECT ADDRESS: Northwest Quarter and the Southwest Quarters of Section
31, Township 22N, Range 05E
Auburn, Washington

PROJECT A.P.N.: 9360600305, 9360600330, 9360600323, 9360600325, and
9360600270

PARCEL A:

THAT PORTION OF THE DONATION LAND CLAIM OF WILLIAM A. COX AND HIS WIFE, ELIZABETH COX, DESIGNATED AS CLAIM NO. 38, BEING A PART OF SECTION 31, TOWNSHIP 22 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID DONATION LAND CLAIM;
THENCE SOUTH 1°53'45" WEST 898.20 FEET TO THE SOUTH LINE OF SOUTH 280TH STREET AS ESTABLISHED BY DEED TO KING COUNTY RECORDED UNDER RECORDING NUMBER 5869551 AND THE TRUE POINT OF BEGINNING;
THENCE CONTINUING SOUTH 1°53'45" WEST 859.86 FEET;
THENCE SOUTH 56°01'19" WEST 203.43 FEET;
THENCE NORTH 89°17'18" WEST 485.03 FEET;
THENCE NORTH 1°53'45" EAST 285.8 FEET;
THENCE NORTH 89°47'15" WEST 350.00 FEET;
THENCE NORTH 1°53'45" EAST 166.01 FEET TO A POINT WHICH IS 1,000 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF SAID DONATION LAND CLAIM;
THENCE NORTH 88°06'15" WEST TO THE EAST MARGIN OF KENT-AUBURN ROAD, 86TH AVENUE SOUTH, AS ESTABLISHED BY DEEDS TO KING COUNTY RECORDED UNDER RECORDING NUMBERS 761006 AND 761007;
THENCE NORTHERLY ALONG SAID EASTERLY LINE TO THE NORTHWEST CORNER OF THAT PORTION OF 49TH STREET NORTHEAST, AS VACATED UNDER ORDINANCE NUMBER 2627 IN THE CITY OF AUBURN, ALSO RECORDED UNDER RECORDING NUMBER 7301120384;
THENCE SOUTH 89°08'15" EAST, 1,005.22 FEET;
THENCE SOUTH 1°53'45" WEST 10 FEET;
THENCE SOUTH 89°08'15" EAST TO THE TRUE POINT OF BEGINNING;
EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID DONATION LAND CLAIM NO. 38;
THENCE NORTH 88°55' WEST 420.15 FEET;
THENCE SOUTH 1°53'45" WEST 1,229.725 FEET;
THENCE NORTH 87°24'27" WEST 579.90 FEET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING NORTH 87°24'27" WEST 42.4 FEET;
THENCE SOUTH 1°53'45" WEST 117.60 FEET;
THENCE NORTH 88°06'15" WEST TO THE EAST MARGIN OF KENT-AUBURN ROAD, 86TH AVENUE SOUTH, AS ESTABLISHED BY DEED TO KING COUNTY RECORDED UNDER RECORDING NUMBER 761007;
THENCE NORTHERLY ALONG SAID EASTERLY MARGIN TO THE NORTHWEST CORNER OF THAT PORTION OF 49TH STREET NORTHEAST AS VACATED UNDER ORDINANCE NUMBER 2627 IN THE CITY OF AUBURN AND ALSO RECORDED UNDER RECORDING NUMBER 7301120384;

THENCE SOUTH 89°08'15" EAST ALONG THE NORTHERLY LINE OF SAID VACATED PORTION OF 49TH STREET NORTHEAST TO A POINT NORTH 1°53'45" EAST FROM THE TRUE POINT OF BEGINNING;

THENCE SOUTH 1°53'45" WEST TO THE TRUE POINT OF BEGINNING;

TOGETHER WITH THAT PORTION OF VACATED "D" STREET NORTHEAST (86TH AVENUE SOUTH) AS VACATED BY ORDINANCE NUMBER 2626, AS WOULD ATTACH BY OPERATION OF LAW;

TOGETHER WITH THOSE PORTIONS OF VACATED 49TH STREET NORTHEAST (SOUTH 280TH STREET) ADJOINING AS VACATED BY AUBURN ORDINANCES 2627, 3594, & 3614, RECORDED UNDER RECORDING NUMBERS 7301120384, 8102090641 & 8104220744, RESPECTIVELY, AS WOULD ATTACH BY OPERATION OF LAW;

(ALSO KNOWN AS PORTIONS OF TRACTS 34, 35, 36, 37, 38 AND 39, TOGETHER WITH VACATED STREETS ADJOINING, WHITE RIVER VALLEY HOME TRACTS 2ND ADDITION, ACCORDING TO THE UNRECORDED PLAT THEREOF).

PARCEL B:

THAT PORTION OF THE DONATION LAND CLAIM OF WILLIAM A. COX AND HIS WIFE, ELIZABETH COX, DESIGNATED AS CLAIM NO. 38, BEING A PART OF SECTION 31, TOWNSHIP 22 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID DONATION LAND CLAIM, A DISTANCE OF 420.15 FEET WEST OF THE NORTHEAST CORNER THEREOF;

THENCE SOUTH 839.74 FEET TO THE NORTH MARGIN OF SOUTH 280TH STREET, AS ESTABLISHED BY DEEDS TO KING COUNTY, RECORDED UNDER RECORDING NUMBERS 544796 AND 5869551;

THENCE WEST ALONG SAID NORTH MARGIN 259.26 FEET;

THENCE NORTH 840.74 FEET TO A POINT ON THE NORTH LINE OF SAID DONATION CLAIM A DISTANCE OF 259.24 FEET WEST OF THE POINT OF BEGINNING;

THENCE EAST ALONG SAID NORTH LINE TO THE POINT OF BEGINNING;

EXCEPT THE EAST 30 FEET; AND

EXCEPT THAT PORTION, IF ANY, LYING WITHIN SOUTH 277TH STREET (52ND STREET NORTHEAST); AND

EXCEPT THAT PORTION THEREOF CONVEYED TO KING COUNTY FOR ROAD PURPOSES BY DEED RECORDED UNDER RECORDING NUMBER 7103110262;

TOGETHER WITH THAT PORTION OF VACATED 49TH STREET NORTHEAST (SOUTH 280TH STREET) ADJOINING AS VACATED BY AUBURN ORDINANCE 3594 RECORDED UNDER RECORDING NUMBER 8102090641, AS WOULD ATTACH BY OPERATION OF LAW;

(ALSO KNOWN AS A PORTION OF TRACT 42, TOGETHER WITH VACATED STREETS ADJOINING, WHITE RIVER VALLEY HOME TRACTS 2ND ADDITION, ACCORDING TO THE UNRECORDED PLAT THEREOF).

PARCEL C:

THAT PORTION OF THE DONATION LAND CLAIM OF WILLIAM A. COX AND HIS WIFE, ELIZABETH COX, DESIGNATED AS CLAIM NO. 38, BEING A PART OF SECTION 31, TOWNSHIP 22 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTH LINE OF SAID DONATION CLAIM, AT A POINT 679.39 FEET WEST OF THE NORTHEAST CORNER THEREOF;

THENCE SOUTH 89°10'30" WEST ALONG SAID NORTH LINE 258.94 FEET;
THENCE SOUTH 0°49'30" WEST 841.71 FEET TO THE NORTH MARGIN OF SOUTH 280TH STREET, AS ESTABLISHED BY DEEDS TO KING COUNTY, RECORDED UNDER RECORDING NUMBERS 544796 AND 5869551, SAID POINT BEING SOUTH 88°56'30" WEST 938.52 FEET FROM THE EAST LINE OF SAID DONATION CLAIM;
THENCE 88°56'30" EAST ALONG SAID NORTH MARGIN 258.95 FEET;
THENCE NORTH 840.70 FEET TO THE POINT OF BEGINNING;
EXCEPT THAT PORTION, IF ANY, LYING WITHIN SOUTH 277TH STREET (52ND STREET NORTHEAST);

TOGETHER WITH THAT PORTION OF VACATED 49TH STREET NORTHEAST (SOUTH 280TH STREET) ADJOINING AS VACATED BY AUBURN ORDINANCE 3594 RECORDED UNDER RECORDING NUMBER 8102090641, AS WOULD ATTACH BY OPERATION OF LAW;

(ALSO KNOWN AS TRACT 43, TOGETHER WITH VACATED STREET ADJOINING, WHITE RIVER VALLEY HOME TRACTS 2ND ADDITION, ACCORDING TO THE UNRECORDED PLAT THEREOF).

PARCEL D:

THAT PORTION OF THE DONATION LAND CLAIM OF WILLIAM A. COX AND HIS WIFE, ELIZABETH COX, DESIGNATED AS CLAIM NO. 38, BEING A PART OF SECTION 31, TOWNSHIP 22 NORTH RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID DONATION CLAIM, WHICH POINT IS 938.33 FEET SOUTH 89°10'30" WEST OF THE NORTHEAST CORNER OF SAID DONATION CLAIM;

THENCE SOUTH 89°10'30" WEST ALONG THE NORTH LINE OF SAID DONATION CLAIM 258.64 FEET;

THENCE SOUTH 0°49'30" WEST 842.68 FEET TO A POINT ON THE NORTH LINE OF THE COUNTY ROAD, AS ESTABLISHED BY DEEDS TO KING COUNTY RECORDED UNDER RECORDING NUMBERS 544796 AND 5869551, WHICH POINT IS 1,197.18 FEET SOUTH 88°56'30" WEST OF THE EAST LINE OF SAID DONATION CLAIM;

THENCE NORTH 88°56'30" EAST ALONG THE NORTH LINE OF SAID COUNTY ROAD 258.66 FEET; THENCE NORTH 0°49'30" EAST 841.71 FEET TO THE POINT OF BEGINNING;
EXCEPT THAT PORTION, IF ANY, LYING WITHIN SOUTH 277TH STREET (52ND STREET NORTHEAST);

TOGETHER WITH THAT PORTION OF VACATED 49TH STREET NORTHEAST (SOUTH 280TH STREET) ADJOINING AS VACATED BY AUBURN ORDINANCE 3594 RECORDED UNDER RECORDING NUMBER 8102090641, AS WOULD ATTACH BY OPERATION OF LAW;

(ALSO KNOWN AS TRACT 44, TOGETHER WITH VACATED STREET ADJOINING, WHITE RIVER VALLEY HOME TRACTS 2ND ADDITION, ACCORDING TO THE UNRECORDED PLAT THEREOF).

PARCEL E:

THAT PORTION OF THE DONATION LAND CLAIM OF WILLIAM A. COX AND HIS WIFE, ELIZABETH COX, DESIGNATED AS CLAIM NO. 38, BEING A PART OF SECTION 31, TOWNSHIP 22 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTHERLY LINE OF SAID DONATION LAND CLAIM, AT A POINT WHICH IS SOUTH 89°10'30" WEST 1,196.97 FEET FROM THE NORTHEAST CORNER THEREOF;
THENCE SOUTH 89°10'30" WEST ALONG SAID NORTHERLY LINE 258.34 FEET;

THENCE SOUTH 1°03'30" WEST 843.64 FEET TO THE NORTHERLY LINE OF COUNTY ROAD, AS ESTABLISHED BY DEEDS TO KING COUNTY RECORDED UNDER RECORDING NUMBERS 544796 AND 5869551, AT A POINT WHICH IS SOUTH 88°56'30" WEST 1,455.53 FEET FROM THE EAST LINE OF SAID DONATION LAND CLAIM;
THENCE NORTH 88°56'30" WEST 258.35 FEET;
THENCE NORTH 0°49'30" EAST 842.68 FEET TO THE POINT OF BEGINNING;
EXCEPT THE WESTERLY 30 FEET THEREOF FOR COUNTY ROAD; AND
EXCEPT THAT PORTION, IF ANY, LYING WITHIN SOUTH 277TH STREET (52ND STREET NORTHEAST); AND
EXCEPT THAT PORTION THEREOF CONVEYED TO KING COUNTY FOR ROAD PURPOSES BY DEED RECORDED UNDER RECORDING NUMBER 7103110262;

TOGETHER WITH THAT PORTION OF VACATED 49TH STREET NORTHEAST (SOUTH 280TH STREET) ADJOINING AS VACATED BY AUBURN ORDINANCE 3594 RECORDED UNDER RECORDING NUMBER 8102090641, AS WOULD ATTACH BY OPERATION OF LAW;

(ALSO KNOWN AS A PORTION OF TRACT 45, TOGETHER WITH VACATED STREET ADJOINING, WHITE RIVER VALLEY HOME TRACTS 2ND ADDITION, ACCORDING TO THE UNRECORDED PLAT THEREOF).

PARCEL F:

THAT PORTION OF THE W.A. COX D.L.C., IN SECTION 31, TOWNSHIP 22 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID W.A. COX D.L.C.;
THENCE WEST ALONG THE NORTH LINE THEREOF 210.15 FEET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING WEST ALONG SAID NORTH LINE 210.0 FEET;
THENCE SOUTH 839.74 FEET, MORE OR LESS, TO THE NORTH LINE OF SOUTH 280TH STREET AS ESTABLISHED BY DEEDS TO KING COUNTY RECORDED UNDER RECORDING NUMBERS 544796 AND 5869551, AT A POINT 420.31 FEET WEST FROM THE EAST LINE OF SAID COX D.L.C.;
THENCE EAST ALONG SAID NORTH LINE 209.94 FEET;
THENCE NORTH 839.0 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING;
EXCEPT THE SOUTH 414.56 FEET THEREOF; AND
EXCEPT THAT PORTION, IF ANY, LYING WITHIN SOUTH 277TH STREET (52ND STREET NORTHEAST);

(ALSO KNOWN AS A PORTION OF TRACT 41, WHITE RIVER VALLEY HOME TRACTS 2ND ADDITION, ACCORDING TO THE PLAT THEREOF).

PARCEL G:

THAT PORTION OF THE W.A. COX D.L.C. IN SECTION 31, TOWNSHIP 22 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID W.A. COX D.L.C.;
THENCE WEST ALONG THE NORTH LINE THEREOF 210.15 FEET;
THENCE SOUTH 839 FEET, MORE OR LESS, TO THE NORTH LINE OF SOUTH 280TH STREET AS ESTABLISHED BY DEEDS TO KING COUNTY RECORDED UNDER RECORDING NUMBERS 544796 AND 5869551, AT A POINT 210.37 FEET WEST OF THE EAST LINE OF SAID D.L.C.;
THENCE EAST ALONG SAID NORTH LINE 210.37 FEET TO THE EAST LINE OF SAID D.L.C.;
THENCE NORTHERLY ALONG SAID EAST LINE 838.2 FEET TO THE POINT OF BEGINNING;
EXCEPT THE SOUTH 414.56 FEET THEREOF; AND

EXCEPT THAT PORTION, IF ANY, LYING WITHIN SOUTH 277TH STREET (52ND STREET NORTHEAST);

(ALSO KNOWN AS A PORTION OF TRACTS 41 AND 42, WHITE RIVER VALLEY HOME TRACTS 2ND ADDITION, ACCORDING TO THE UNRECORDED PLAT THEREOF).

PARCEL H:

THAT PORTION OF THE DONATION LAND CLAIM OF WILLIAM A. COX AND HIS WIFE, ELIZABETH COX, DESIGNATED AS CLAIM NO. 38, BEING A PORTION OF SECTION 31, TOWNSHIP 22 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID DONATION LAND CLAIM NO. 38;
THENCE NORTH $88^{\circ}55'$ WEST 420.15 FEET;
THENCE SOUTH $1^{\circ}53'45''$ WEST 1,229.725 FEET;
THENCE NORTH $87^{\circ}24'27''$ WEST 622.30 FEET TO THE TRUE POINT OF BEGINNING;
THENCE SOUTH $1^{\circ}53'45''$ WEST 117.60 FEET;
THENCE $88^{\circ}06'15''$ WEST TO THE EAST MARGIN OF KENT-AUBURN ROAD (86TH AVENUE SOUTH), AS ESTABLISHED BY DEED TO KING COUNTY RECORDED UNDER RECORDING NUMBER 761007;
THENCE NORTHERLY ALONG SAID EASTERLY MARGIN TO A POINT FROM WHICH THE TRUE POINT OF BEGINNING BEARS SOUTH $87^{\circ}24'27''$ EAST;
THENCE SOUTH $87^{\circ}24'27''$ EAST TO THE TRUE POINT OF BEGINNING;

TOGETHER WITH THAT PORTION OF VACATED "D" STREET NORTHEAST (86TH AVENUE SOUTH) ADJOINING, WHICH UPON VACATION, ATTACHED TO SAID PROPERTY BY OPERATION OF LAW;

(ALSO KNOWN AS A NORTHWESTERLY PORTION OF TRACT 36, TOGETHER WITH VACATED STREET ADJOINING, WHITE RIVER VALLEY HOME TRACTS 2ND ADDITION, ACCORDING TO THE UNRECORDED PLAT THEREOF).

PARCEL I:

A TRACT OF LAND IN THE W.A. COX DONATION LAND CLAIM NO. 38, IN SECTION 31, TOWNSHIP 22 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT AN INTERSECTION IN THE CURVE OF THE EASTERLY MARGIN OF THE KENT-AUBURN ROAD, AS ACQUIRED BY KING COUNTY IN SUPERIOR COURT CAUSE NO. 85322, ALSO KNOWN AS ROAD #76, AND THE NORTHEASTERLY MARGIN OF AUBURN WAY NORTH;
THENCE SOUTH $35^{\circ}14'08''$ EAST ALONG THE EASTERLY MARGIN OF AUBURN WAY NORTH 65.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND;
THENCE CONTINUING SOUTH $35^{\circ}14'08''$ EAST 248.49 FEET;
THENCE NORTH $49^{\circ}55'00''$ EAST 126.88 FEET;
THENCE NORTH $34^{\circ}44'00''$ WEST 146.85 FEET;
THENCE NORTH $89^{\circ}47'15''$ WEST 156.77 FEET TO THE POINT OF BEGINNING;

(ALSO KNOWN AS A PORTION OF TRACTS 34 AND 35, WHITE RIVER VALLEY HOME TRACTS 2ND ADDITION, ACCORDING TO THE UNRECORDED PLAT THEREOF).

PARCEL J:

PARCEL 1, CITY OF AUBURN SHORT PLAT NUMBER SP-29-79, RECORDED UNDER RECORDING NUMBER 7912120806, SAID SHORT PLAT BEING A SUBDIVISION OF A PORTION OF THE W.A. COX DONATION LAND CLAIM NO. 38, IN SECTION 31, TOWNSHIP 22 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

TOGETHER WITH THAT PORTION OF VACATED "D" STREET NORTHEAST ADJOINING, AS WOULD ATTACH BY OPERATION OF LAW;

TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER PARCEL 2 OF SAID SHORT PLAT, AS ESTABLISHED BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 7909281042.

PARCEL K:

THAT PORTION OF PARCEL 2, CITY OF AUBURN SHORT PLAT NUMBER SP-29-79, RECORDED UNDER RECORDING NUMBER 7912120806, LYING WEST OF THE SOUTHERLY PRODUCTION OF THE EAST LINE OF PARCEL 1 OF SAID SHORT PLAT;

ALSO

THE WEST 427.03 FEET OF THAT PORTION OF PARCEL 2 OF SAID SHORT PLAT LYING EAST OF THE SOUTHERLY PRODUCTION OF THE EAST LINE PARCEL 1 OF SAID SHORT PLAT;

SAID SHORT PLAT BEING A SUBDIVISION OF A PORTION OF THE W.A. COX DONATION LAND CLAIM NO. 38, IN SECTION 31, TOWNSHIP 22 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON.

Legal Description of Parcel No. 9360600300

EXHIBIT A

PARCEL A

That portion of the Donation Land Claim of William A. Cox and his wife, Elizabeth Cox, designated as Claim No. 38, being a part of Section 31, Township 22 North, Range 5 East, W.M., in King County, Washington, described as follows:
Commencing at the northeast corner of said Donation Land Claim No. 38;

thence north 89°55' west 420.15 feet;
thence south 1°53'45" west 1,229.725 feet;
thence north 87°24'27" west 579.90 feet to the true point of beginning;
thence continuing north 87°24'27" west 42.4 feet;
thence south 1°53'45" west 117.60 feet;
thence north 89°04'15" west to the east margin of Kent-Auburn Road (86th Avenue South), as established by deed to King County recorded under recording number 761007;
thence northerly along said easterly margin to the northwest corner of that portion of 49th Street Northeast, as vacated under Ordinance No. 2627 in the City of Auburn, also recorded under recording number 7361120184;
thence south 89°08'15" east along the northerly line of said vacated portion of 49th Street Northeast to a point north 1°53'45" east from the true point of beginning;
thence south 1°53'45" west to the true point of beginning;

TOGETHER WITH that portion of vacated "D" Street Northeast (86th Avenue South) as vacated by Ordinance No. 2626 which would attach by operation of law.

9104290184

8212280098

NO EXCISE TAX
DEC 27 1982
EO 700442

The South 414.36 feet of that portion of W. A. Cox Donation Land Claim in Township 22, North, Range 5 East, W.M., in King County, Washington described as follows: Beginning at the Northeast corner of said W. A. Cox Donation Land Claim; thence westerly along the North line of said donation land claim 420.15 feet; thence South 839.74 feet more or less, to the North line of the County Road "South 230th Street" at a point 420.31 feet West from the East line of said donation land claim; thence East along said County Road 420.31 feet to the East line of said donation land claim; thence Northerly along the East line of said donation land claim 531.2 feet to the place of beginning. Together with an easement for ingress and egress over that portion of said W. A. Cox Donation Land Claim, described as follows: Beginning at the Northwest corner of said W. A. Cox Donation Land Claim; thence westerly along the North line of said W. A. Cox Land Claim 530.15 feet to the true point of beginning of this easement; thence easterly along said North line 40.00 feet; thence southerly to a point on the North line of the County Road "South 230th Street" which is 140.37 feet West of the East line of said Cox Donation Land Claim; thence westerly along the North line of said road 40.00 feet; thence northerly to the true point of beginning except the South 414.36 feet; "being known as the South 414.36 feet of Tracts 40 and 41, second addition to White River Valley Rose Tracts, according to the recorded plat therefor." Together with an easement for road over the East 40 feet of West 230 feet of that portion of said Tract 41, lying northerly of said South 414.36 feet.

This deed is given in fulfillment of all the terms and conditions of that certain "Real Estate Contract" dated the 1st day of July, 1969, between Joseph Koch and Alice E. Koch, his wife, Harry, and Ronald B. Stein, a single man, as purchaser, which was assigned by Deed and Seller's Assignment of Real Estate Contract dated October 8, 1979 to Grantors herein, and is a Warranty as of date of above mentioned contract.

Real Estate Excise Tax Paid Under Receipt No. K-074939
Seller's Assignment Affidavit Nos. 251480 and 2565791